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EXTRAORDINARY

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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 8th September, 1954:—

BILL No. XVII OF 1954

A Bill to amend the Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Manipur State Hill Peoples (Administration) Regulation (Amendment) Act, 1954.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2 of the Regulation.—In section 2 of the Manipur State Hill Peoples (Administration) Regulation, 1947 (hereinafter referred to as the principal Regulation), after clause (f), the following clauses shall be inserted, namely:—

“(g) ‘Chief Commissioner’ means the Chief Commissioner of the State of Manipur;

(h) ‘ordinarily resident’—a person shall be deemed to be ordinarily resident in a village if he ordinarily resides in that village or owns or is in possession of a dwelling-house therein.”

3. Insertion of new sections 6A to 6F in the Regulation.—After section 6 of the principal Regulation, the following sections shall be inserted, namely:—

“6A. *Village authorities to be elected in certain cases.*—(1) Notwithstanding anything contained in section 6, the Chief Commissioner may, by notification in the Official Gazette, direct that

in any village specified in the notification, the village authority shall be elected instead of being nominated as provided in section 6, and thereupon, the village authority in that village shall be elected in the manner hereinafter appearing, and the provisions of section 6 shall cease to apply to such village.

(2) Before issuing any notification in respect of any village under sub-section (1), the Chief Commissioner shall have regard to the demand, if any, from the people residing in the village for an elected village authority and the general interest of the people residing in the village.

6B. *Constitution of the elected village authority.*—An elected village authority shall consist of—

(a) five members—where the number of tax paying houses in the village is not less than twenty but does not exceed sixty;

(b) seven members—where the number of tax paying houses in the village exceeds sixty but does not exceed one hundred;

(c) ten members—where the number of tax paying houses in the village exceeds one hundred but does not exceed one hundred and fifty; and

(d) twelve members—where the number of tax paying houses in the village exceeds one hundred and fifty.

6C. *Village authorities how elected.*—The members of the village authority in any village in respect of which a notification has been issued under section 6A shall be elected from among the voters of the village, and for the purpose of such election, every person who is ordinarily resident in the village and who is not less than twenty-one years of age on such date as may be fixed by rules made under this Regulation shall be entitled to be registered as a voter.

6D. *Qualifications of members.*—A person shall be disqualified for being elected and for being a member of an elected village authority—

(a) if he is not registered as a voter;

(b) if he is less than twenty-five years of age at the time of election;

(c) if he is a member of any other village authority; and

(d) if he is of unsound mind and stands so declared by a competent authority.

6E. *Term of office of members of elected village authority.*—The term of office of members of an elected village authority shall be three years from the date appointed for its first meeting.

6F. *Chairman.*—The Chief or Khullakpa of the village shall be *ex officio* the Chairman of an elected village authority."

4. Insertion of new section 79 in the Regulation.—After section 78 of the principal Regulation, the following section shall be inserted, namely:—

“79. Power to make rules.—(1) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of sections 6A to 6F inclusive.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the preparation, revision and final publication of electoral rolls;

(b) the registration of voters, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;

(c) the authority by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority, and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;

(d) any other matter relating to elections to village authorities or election disputes arising therefrom.

STATEMENT OF OBJECTS AND REASONS

The hill areas of Manipur State are at present administered in accordance with the provisions of the Manipur State Hill Peoples (Administration) Regulation, 1947. Under this Regulation the smallest unit of administration in the hill areas is the “village authority” consisting of the Chief or Khullakpa of the village with his council of elders, if any. The Chief of the village is the hereditary chairman of the “authority” and the other members are nominated in accordance with the custom of the village. It is now considered desirable gradually to introduce the democratic principle in the village administration of the hill areas of the State, as has already been done in some of the adjoining Hill districts of the State of Assam. As a first step in the process of democratisation, it has been decided that the members of the “village authority” excluding the Chief, should be elected on the basis of adult franchise. The Chief of the village will however continue as the hereditary chairman of the Authority for the time being. The Bill seeks to implement this decision.

K. N. KATJU.

NEW DELHI;
The 6th June, 1954.

EXPLANATORY MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 which inserts a new section 79 in the principal Regulation empowers the Chief Commissioner of Manipur to make rules on certain subjects. The object of the Bill is to provide for the constitution of elected village authorities. The rules to be made will regulate the conduct of elections and matters incidental thereto. The clause provides for the making of rules on such subjects as the preparation, revision and publication of electoral rolls, the registration of voters, the nomination of candidates, etc., the authority by which, and the manner in which, disputes relating to electoral rolls or arising out of elections are to be decided. Broadly, the rules will relate to—

(a) the setting up of machinery for the preparation, revision and final publication of the electoral rolls and the prescription of forms;

(b) the setting up of machinery for the conduct of elections, namely, appointment of Returning Officers, Presiding Officers, Polling Officers, etc., and prescription of forms for nomination of candidature, withdrawal, etc.;

(c) the fixing of time limits for the programme of an election, e.g., the last date for filling nomination papers, the date of scrutiny, last day of withdrawal, publication of list of valid nomination papers, date of poll, if necessary; and the declaration of results and their publication in the Official Gazette;

(d) the allotment of symbols, if necessary;

(e) the method of voting;

(f) the establishment of polling booths, etc;

(g) the manner in which, and the time within which, an election may be called in question;

(h) the constitution of an authority for settling election disputes;

(i) the making of provision for filling up casual vacancies.

The village authorities to be constituted under the Bill would be akin to local bodies. In enactments relating to the constitution of local bodies provisions regarding the manner of holding elections and matters incidental thereto are generally made in the rules. The power delegated to the Chief Commissioner is therefore normal and such delegation is to be found in all similar enactments.

S. N. MUKERJEE,
Secretary.